

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF WEST VIRGINIA

ELECTRONICALLY  
FILED  
Feb 20 2020  
U.S. DISTRICT COURT  
Northern District of WV

ROBERT CAMPIONE,	)	CIVIL DIVISION
	)	
Plaintiff,	)	No. <b>1:20-CV-31 (Keeley)</b>
v.	)	
	)	Removed from the Circuit Court of
WESTFIELD INSURANCE COMPANY,	)	Monongalia County, West Virginia
	)	Civil Action No. 20-C-12
Defendant.	)	
	)	

**NOTICE OF REMOVAL**

NOW, comes the Defendant Westfield Insurance Company (“Westfield”), by and through its attorneys, Burns White LLC, and files this Notice of Removal pursuant to 28 U.S.C. § 1441, *et seq.* Defendant submits that the United States District Court for the Northern District of West Virginia has original diversity jurisdiction over this civil action and this matter may be removed to the District Court in accordance with the procedures provided at 28 U.S.C. § 1446. In further support of this Notice of Removal, Defendant states as follows:

**PRELIMINARY STATEMENT**

1. Plaintiff Robert Campione initiated this action by filing a Complaint in the Circuit Court of Monongalia County on or about January 16, 2020.
2. The Summons and Complaint were served upon the Secretary of State of West Virginia on January 21, 2020.
3. True and correct copies of Plaintiff’s Summons and Complaint are collectively attached hereto as Exhibit A.
4. Upon information and belief, the documents attached hereto as Exhibit A represent all of the pleadings, process, and orders filed in connection with the state court action.

**DIVERSITY JURISDICTION - CITIZENSHIP**

5. Plaintiff, Robert Campione, is an adult individual and resident of Monongalia County, West Virginia.

6. Both at the time Plaintiff initiated this action and at the time of this removal, Plaintiff was a citizen of West Virginia.

7. Defendant Westfield Insurance Company is not a West Virginia corporation, nor does it have its principal place of business in West Virginia.

8. At the time Plaintiff initiated this action and at the time of this Removal, Westfield Insurance Company was and is an Ohio corporation with its principal place of business in Westfield Center, Ohio.

9. Both at the time Plaintiff initiated this action and at the time of this removal, Westfield Insurance Company was and is a citizen of Ohio.

**DIVERSITY JURISDICTION – AMOUNT IN CONTROVERSY**

10. Plaintiff alleges that he is entitled to underinsured motorist benefits from Westfield pursuant to an automobile insurance policy that provided a total of \$250,000 in per person underinsured motorist benefits, subject to all of the terms and conditions of the policy.

11. Plaintiff also alleges that Westfield violated West Virginia's Unfair Trade Practices Act, and acted in bad faith, and seeks punitive damages, damages for annoyance, aggravation and expense, attorneys' fees, and costs.

12. As Plaintiff alleges that he is entitled to recover underinsured motorist benefits pursuant to a \$250,000 policy, punitive damages, interest, attorneys' fees, and costs, the amount in controversy exceeds the jurisdictional requirement of \$75,000.

13. Since Plaintiff and Westfield are citizens of different states, and because the amount in controversy exceeds \$75,000, the United States District Court for the Northern District of West Virginia has original jurisdiction over this matter. See 28 U.S.C. § 1332.

14. 28 U.S.C. § 1332 confers original jurisdiction over all civil matters where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.

15. Westfield submits that this matter may be removed to the United State District Court for the Northern District of West Virginia pursuant to 28 U.S.C. § 1441, which permits removal of any civil action to the District Courts that have original jurisdiction.

WHEREFORE, Defendant, Westfield Insurance Company removes this civil action to the United States District Court for the Northern District of West Virginia, pursuant to 28 U.S.C. § 1441.

Respectfully submitted,

BURNS WHITE LLC

By: /s/Daniel J. Twilla  
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*Attorneys for Westfield Insurance Company*

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on February 20, 2020, a copy of the within **NOTICE OF REMOVAL** was filed electronically. Parties may access this filing through the Court's system.

/s/Daniel J. Twilla  
Daniel J. Twilla